

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BACOU-DALLOZ USA SAFETY, INC., and
HOWARD LEIGHT INDUSTRIES, LLC

Plaintiffs,

v.

CABOT SAFETY INTERMEDIATE
CORPORATION and AEARO COMPANY

Defendants.

Case No. 04-40049-NMG

**DEFENDANTS' MOTION FOR LEAVE TO FILE A REPLY BRIEF IN SUPPORT
OF MOTION TO DISMISS OR TRANSFER VENUE PURSUANT TO 28 U.S.C. §1404**

NOW COME the Defendants Cabot Safety Intermediate Corporation and Aearo Company (collectively referred to herein as "Cabot"), pursuant to Local Rule 7.1(b), and hereby move for leave to file a Reply Brief in support of its Motion for to Dismiss or Transfer Venue Pursuant to 28 U.S.C. §1404(a).¹ Cabot's Reply Brief is concise (five pages) and is limited in scope to certain matters raised in Plaintiffs, Bacou-Dalloz USA Safety, Inc. and Howard Leight Industries, LLC's (collectively referred to herein as "Leight"), Opposition to Defendant's Motion to Dismiss or Transfer Venue Pursuant to 28 U.S.C. §1404(a) (hereinafter "Opposition").

In particular, the Reply Brief is necessary so that Cabot may address Leight's arguments regarding a previous civil action between the parties in this district in 1997, and so Cabot may briefly rebut Leight's assertions regarding Cabot's Massachusetts manufacturing facility.

¹ Defendants' Reply Brief In Support Of Motion To Dismiss Or Transfer Venue Pursuant To 28 U.S.C. §1404 is submitted concurrently herewith.

Wherefore, Cabot respectfully requests that its Motion For Leave To File a Reply Brief
In Support Of Motion To Dismiss Or Transfer Venue Pursuant To 28 U.S.C. §1404 e
GRANTED.

Respectfully submitted,

CABOT SAFETY INTERMEDIATE
CORPORATION and AEARO COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS OR TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404 was filed electronically on this 1st day of June, 2004. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. The parties may access this filing through the Court's system.

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